Mr GUYULA (Nhulunbuy): Madam Speaker, I support in principle having a BDR. I wish to draw attention to Clause 42 of the bill which gives me concern. The new offence, as the bill reads, will apply if a person intentionally supplies alcohol to a person they knew or ought to have reasonably known was subject to a prohibition relating to alcohol.

It is the clause 'or ought to have reasonably known' which is most concerning.

In defining what a person who supplies alcohol to another 'ought to have reasonably known', my experience tells me this will be defined by the same standards which apply to all mainstream Australia. Regardless if the person is Yolngu from a remote community and speaks very little English, the same criteria is likely to be applied as to any other member of the public in assessing what they ought to have reasonably known.

Yet as a Yolngu man I am well aware of the language divide many Yolngu experience due to a very limited comprehension of English. Furthermore, with the high rate of English illiteracy amongst our people, they genuinely do not understand how mainstream, non-Indigenous law works.

One can take the attitude that it is the responsibility of every Australian citizen to be familiar with laws that affect them. Even the expectations would not reach people on an everyday basis communicating only in Yolngu Matha, that is, languages of North East Arnhem Land.

Our people are caught up in funeral after funeral with so many of our people dying. Many do not have the chance to apply themselves to learning a new language at an adult age, enabling them to understand the mainstream laws affecting their lives. Rather, most of our people learn by having experience in how a law works and, in time, figure it out by community experience.

For example, whilst a police officer might think person 'A' ought to have responsibly known that person 'B' was subject to prohibition and their name already on the Banned Drinker Register, we would come to a different conclusion of what they 'ought to have reasonably known', if the same question was considered by someone acutely aware of how little English many of our people comprehend.

There is no denying there are many Indigenous people from my electorate caught up drinking in towns and their families worry about them constantly and want them to come home.

Clause 42 suggests to me that we will see large numbers of people found guilty of committing the offence of supplying alcohol to their countrymen and women, unaware that it is prohibited under

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the law. Even more so, under Yolngu law and culture, we are required to share food, particularly with certain relations. We must share and penalties that apply if you do not. People feel sick with guilt if they do not follow these laws.

It takes time for our people to adjust to new laws. Meanwhile, I have serious concerns about the effect it will have on the welfare of the rest of the person's family. As many of the people from my electorate struggling with alcohol issues are also having problems managing their money, there is a probability they will have trouble paying any fine arising from an offence under Clause 42.

In the case of people from remote Indigenous communities, the family back home may feel pressured to pay their fine as they fear their loved one may otherwise go to gaol. The result being there is even less money for food for the family along with the very high cost of living for people in remote communities. Alternatively, their fine is not paid and a warrant is issued and yet another one of our people ends up in prison for not paying a fine.

Before closing, I also stress an important aspect with regard to alcohol rehabilitation programs. Many people in my electorate from remote Indigenous communities speak of the importance of Yolngu people being able to attend alcohol rehabilitation in North East Arnhem Land so they are close to family and country—programs for Yolngu run by Yolngu with assistance of necessary, qualified staff.

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